

## **REMARKS**

Claims 1, 3-8,10-12, and 14-20 have been amended. New claim 21 has been added. Claims 1-21 are pending in the application. Reconsideration is respectfully requested.

### **Objection to the Drawings**

Applicant respectfully disagrees with the Examiner's objection to the drawings on the basis that the subject matter of claim 3 is not shown in the drawings. Claim 3, as amended, recites: The plunger assembly of claim 2 wherein said cup assembly comprises an inverted suction cup, the cup assembly having threads adapted to engage the threaded section [[threads]] of the tubular member second portion.

Figures 2 and 3 disclose a cup assembly including an inverted suction cup 15 and the plunger connector 60. The cup assembly (namely, the plunger connector 60) includes internal threads 62 which are adapted to engage a male threaded section 56 of a second end portion 52 of the tubular member 50.

It is respectfully believed that the drawings fully support claim 3 and the Examiner is respectfully requested to withdrawn the objection to the drawings.

### **Amendments to Specification**

The Examiner is thanked for his careful review of the specification. The amendments to the specification obviate the objections to the specification.

### Rejections Under Section 112, First Paragraph

With regard to the rejection of claims 1, 4-6 and 8 under 35 USC 112, first paragraph on the basis that there is no enablement for a tubular member fixed to a cup, Applicant respectfully disagrees. It is believed that when two members are threadedly engaged that the members can properly be said to be fixed. The Webster's Encyclopedic Unabridged Dictionary of the English Language (revised edition copyright 1996) defines "fixed" as "fastened, attached, or placed so as to be firm and not readily movable; firmly implanted; stationary; rigid." It is respectfully submitted that a threaded engagement of the tubular member and the cup certainly satisfies the foregoing definition of as "fastened, attached, or placed so as to be firm and not readily movable; firmly implanted; stationary; rigid." Further, the specification at page 3, lines 29-31 states: "It should be understood by those with ordinary skill in the art that the tubular member 50, the plunger connector 60, and the inverted plunger cup 15 may be uniformly made as one piece in the practice of the present invention." Thus, the specification clearly teaches a one piece tubular member and cup assembly. In such an embodiment, the tubular member would certainly be fixed to the cup.

Notwithstanding the foregoing, in the interest of expediting the prosecution of this application and to clarify the claim, the claims have been amended remove the term "fixed" and instead use the word "engaged." It is believed that this amendment obviates the Examiner's objection to claims 1, 4-6 and 8 under Section 112, first paragraph.

With regard to the rejection of claims 1-5, 7, 9 and 20 under Section 112, first

paragraph on the basis that the specification does not provide enablement for a rod removably joined to a cup and tubular member, Applicant respectfully disagrees. It is believed that when two members are threadedly engaged that the members can properly be said to be removably joined. However, in the interest of expediting the prosecution of this application and to clarify the claim, the claims have been amended remove the term “removable joined” and instead use the word “engages.” It is believed that this amendment obviates the Examiner’s objection to claims 1-5, 7, 9 and 20 under Section 112, first paragraph.

With regard to the rejection of claims 10-14 under Section 112, first paragraph on the basis that the specification does not provide enablement for a rod locked to a cup and tubular member, Applicant respectfully disagrees. It is believed that when two members are threadedly engaged that the members can properly be said to be locked. However, in the interest of expediting the prosecution of this application and to clarify the claim, the claims have been amended remove the term “locked” and instead use the word “engages.” It is believed that this amendment obviates the Examiner’s objection to claims 10-14 under Section 112, first paragraph.

With regard to the rejection of claims 15 and 17-19 under Section 112, first paragraph on the basis that claims contain subject matter not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention on the basis that recitation of “said distal threaded section adapted to engage the threads of said connector second end” is not taught in the specification, Applicant respectfully disagrees. Claim 15, as amended, recites a connector 60 having a second

end that includes an inner opening 61. The inner opening 61 includes a first threaded section 62 and a second threaded section 64. The rod 40 includes a distal threaded section 46. The distal threaded section 46 of the rod 40 is adapted to engage the second threaded section 64 of the connector second end. This is fully described in the specification at page 4 and is shown in Figures 2 and 3. The Examiner is respectfully requested to withdraw his rejection of claims 15 and 17-19.

#### Rejections Under Section 102(b)

##### Tolbert Patent

Claims 1 and 9-14 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,055,680 to Tolbert ("Tolbert"). Claim 1 is directed to a toilet plunger assembly and recites a rod movable between a collapsed position and an extended position and a tubular member. The rod includes a second end portion including a first threaded section and the tubular member includes a first end portion having a threaded section wherein the first threaded section of the rod threadedly engages the threaded section of the first end portion of the tubular member in the extended position. Tolbert does not teach, disclose or suggest any such threaded engagement of a rod and a tubular member.

Accordingly, claim 1 is allowable. Claim 9 depends from claim 1 and, therefore, is also allowable.

Claim 10 is directed to a toilet plunger assembly and recites a rod movable between a first position and a second position and a tubular member. The rod includes

a second end portion including a first threaded section and the tubular member includes a first end portion having a threaded section wherein the first threaded section of the rod threadedly engages the threaded section of the first end portion of the tubular member in the second position. Tolbert does not teach, disclose or suggest any such threaded engagement of a rod and a tubular member.

Accordingly, claim 10 is allowable. Claims 11-14 depend from claim 10 and, therefore, are also allowable.

#### Meyer Patent

Claims 1-5, 7, 9, 10, 13, 14 and 20 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 2,697,842 to Meyer ("Meyer"). Claim 1 is directed to a toilet plunger assembly and recites a rod movable between a collapsed position and an extended position and a tubular member. The rod includes a second end portion including a first threaded section and the tubular member includes a first end portion having a threaded section wherein the first threaded section of the rod threadedly engages the threaded section of the first end portion of the tubular member in the extended position. Meyer does not teach, disclose or suggest any such threaded engagement of a rod and a tubular member.

Accordingly, claim 1 is allowable. Claims 2-5, 7 and 9 depend from claim 1 and, therefore, is also allowable.

Claim 10 is directed to a toilet plunger assembly and recites a rod movable between a first position and a second position and a tubular member. The rod includes a second end portion including a first threaded section and the tubular member includes

a first end portion having a threaded section wherein the first threaded section of the rod threadedly engages the threaded section of the first end portion of the tubular member in the second position. Meyer does not teach, disclose or suggest any such threaded engagement of a rod and a tubular member.

Accordingly, claim 10 is allowable. Claims 13 and 14 depend from claim 10 and, therefore, are also allowable.

Claim 20 is directed to a toilet plunger assembly and recites a handle assembly rod movable between a collapsed portion and an extended position and a base assembly including a tubular member. The rod includes a second end portion including a first threaded section and the tubular member includes a first end portion having a threaded section wherein the first threaded section of the rod threadedly engages the threaded section of the first end portion of the tubular member in the extended position.

Meyer does not teach, disclose or suggest any such threaded engagement of a rod and a tubular member.

Accordingly, claim 20 is allowable.

#### New Claim 21

New claim 21 is directed to a toilet plunger assembly and recites a cup assembly including an opening defining a threaded section and a rod movable between a collapsed portion and an extended position. The rod includes a second end portion including a threaded section wherein the threaded section of the rod threadedly engages the threaded section of cup assembly in the collapsed position. Claim 21 is


allowable over any of the references cited, taken alone or in combination.

Conclusion

All pending claims are believed to be in condition for allowance and prompt notification to that effect is respectfully requested.

Respectfully submitted,

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George L. Pinchak  
Reg. No. 37,697

Watts Hoffmann Co., LPA  
Suite 1750  
1100 Superior Avenue  
Cleveland, OH 44114-2518  
Telephone: 216/241-6700  
Facsimile: 216/241-8151